

**FILED**

**AUG 10 2005**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 STROOCK & STROOCK & LAVAN LLP  
STEPHEN J. NEWMAN (State Bar No. 181570)  
2 MARIAN K. SELVAGGIO (State Bar No. 224072)  
2029 Century Park East, Suite 1800  
3 Los Angeles, California 90067-3086  
Telephone: 310-556-5800  
4 Facsimile: 310-556-5959

5 HAYNSWOTH SINKLER BOYD, P.A.  
DAMON C. WATSON (State Bar No. 187886)  
6 1201 Main Street, Suite 2200  
P.O. Box 11889  
7 Columbia, South Carolina 29211-1889  
Telephone: 803-540-7838  
8 Facsimile: 803-765-1243

9 Attorneys for Defendant  
SubscriberBASE, Inc.

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13  
14 JUMPSTART TECHNOLOGIES LLC,  
a Delaware limited liability company,

15 Plaintiff,

16 vs.

17 SUBSCRIBERBASE, INC., a South  
18 Carolina corporation,

19 Defendant.  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No. C 05 00013 MHP

(Assigned to Hon. Marilyn H. Patel)

**STIPULATION AND [PROPOSED]  
ORDER TO TRANSFER VENUE**

Action Filed: January 3, 2005  
Trial Date: None set

- 0 -

STIPULATION AND [PROPOSED] ORDER RE TIME TO RESPOND TO COMPLAINT

50297357v1

STROOCK & STROOCK & LAVAN LLP  
2029 Century Park East, Suite 1800  
Los Angeles, California 90067-3086

1 WHEREAS, this action was filed on January 3, 2005; and

2 WHEREAS, on July 5, 2005 Defendant filed a motion to transfer venue to the  
3 United States District Court for the District of South Carolina; and

4 WHEREAS, Plaintiff does not oppose said motion to transfer venue; and

5 WHEREAS, the parties, by the signatures of their counsel on this Stipulation,  
6 stipulate and agree that this cause should be transferred to the United States District  
7 Court for the District of South Carolina, Columbia Division; and

8 WHEREAS, this Stipulation is made in good faith and without purpose of  
9 delay;

10 NOW, THEREFORE, the parties, by and through counsel, stipulate and agree  
11 as follows:

12 1. The matter is to be transferred to the United States District Court for the  
13 District of South Carolina, Columbia Division, a district in which it could have been  
14 brought originally;

15 2. All scheduling and other pretrial conferences are set off calendar;

16 3. The parties reserve all their rights with regard to the Complaint and the  
17 pending 12(b)(6) motion;

18 4. The parties will meet and confer regarding the 12(b)(6) motion to  
19 determine whether the Complaint will be amended or the motion will be set for  
20 hearing; and

5. The Clerk of this Court will transmit the complete file in this case to the United States District Court for the District of South Carolina, Columbia Division, together with a certified copy of this Order.

Dated: August 8, 2005

STROOCK & STROOCK & LAVAN LLP  
STEPHEN J. NEWMAN  
MARIAN K. SELVAGGIO

HAYNSWOTH SINKLER BOYD, P.A.  
DAMON C. WATSON

By: /s/ Marian K. Selvaggio  
Marian K. Selvaggio

Attorneys for Defendant  
SubscriberBASE, Inc.

Dated: August 8, 2005

PERKINS COIE LLP  
LISA KOBIALKA  
ROBERT MATZ

By: /s/ Lisa Kobialka  
Lisa Kobialka

Attorneys for Plaintiff  
Jumpstart Technologies LLC

**PROPOSED ORDER**

IT IS SO ORDERED

Dated: 8/9/05

  
The Honorable Marilyn H. Patel  
United States District Judge